

*** * REASONS FOR AMENDMENTS AND REMARKS * ***

Applicant wishes to acknowledge with appreciation the Examiner's analysis and efforts in examining this application.

Claims 1-84 have been canceled making most of the rejections in the Office Action believed moot. The remaining claim, Claim 85, is modeled after Claim 82 but with additional limitations. Accordingly, these remarks will focus on the arguments for that rejection and the Examiner's *Response to Arguments* section.

Support for these amendments is evident throughout the application. For example, the claimed alkaline builder is disclosed in paragraph [0019] of the published application. The Chelant, at least one coupling agent, at least one oxygen-stable die, at least one oxygen-stable surfactant can be found in paragraph [0021]. Lack of substantial corrosive effects are replete throughout the application, including paragraphs [0005] - [0007], [0009], [0013], [0016], and [0018].

On pages 7-8 of the Office Action, the Examiner rejected claims including Claim 82 under 35 U.S.C. 103(a) as being unpatentable over Arbogast *et al.* (U.S. Patent No. 5,739,327). The Examiner alleges that Arbogast teaches that it is well known in the art to clean and remove stains using a control composition consisting of detergent and peroxide only (Table 6). Specifically, Arbogast recognizes that it is well known to use a two component composition. The Examiner further alleges the applicant's claimed composition of a hydrogen peroxide and

alkaline component is allegedly no different from the control compositions, cited in Tables 6 and 7 (col. 17-18) of Arbogast et al. According to the Examiner, Tables 6 and 7 teach that it is well known to have a composition consisting of the peroxide and an alkaline ingredient (i.e. sodium bicarbonate sodium carbonate), applicant's claimed composition. Furthermore, col. 9, lines 15-35+ allegedly teaches that dual delivery systems use separate components of a cleaning composition prior to use. The Examiner concludes it would have been within the level of the skilled artisan to have modified to method of Arbogast to include using a dual delivery sprayer or dispenser system for the control compositions as well, as a conventional means of applying the cleaning composition to the substrate surface.

With the addition of the new limitations, it is respectfully believed Claim 85 is allowable over this rejection. Accordingly, withdrawal of the rejection is respectfully requested.

On page 9 of the Office Action, the Examiner rejected Claim 82 under 35 U.S.C. 103(a) as being unpatentable over Rees (U.S. Patent No. 5,743,514). The Examiner alleges that Comparative Examples 1 and 2 (col. 7-8 bridging) teach a composition consisting of the peroxide and alkaline component (i.e. Na_2CO_3), without the presence of lactone. Therefore, applicant's claimed composition of a hydrogen peroxide and alkaline component is no different from the compositions recited in the comparative Examples 1 and 2 of Rees. Examples 1 and 2 teach that it is well known to have a composition consisting of the peroxide and an alkaline ingredient. Additionally, col. 6, lines 45-55 teaches using separate containers or a single container having two compartments for spraying the cleaning composition on the substrate

surface. In view of the teachings of Rees, the Examiner believes it would have been within the level of the skilled artisan to have modified to method of Rees to include using a dual delivery sprayer or dispenser system for the control compositions as well, as a conventional means of applying the cleaning composition to the substrate surface.

With the addition of the new limitations, it is, again, respectfully believed Claim 85 is allowable over this rejection. And again, withdrawal of the rejection is respectfully requested.

The Examiner's *Response to Arguments* section questions how the addition of bleach activators taught by the prior art materially affect the basic and novel characteristics of the claimed invention. The answer, at least in part, is the claimed invention includes a non-corrosive preparation so it cannot include bleach or bleach activators. As discussed in the accompanying Declaration and prior Declarations, nitril activators, lactone, and imine react with peroxide in alkaline conditions to generate peracids creating a bleaching specie. The claimed invention raises the pH of composition to the alkaline range so if any of these constituents were present, they would create bleach, which according to yet another prior Declaration, creates a corrosive product. Because Claim 85 specifically requires the resulting product to be non-corrosive, the addition of the constituents the Examiner questions does materially change the basic and novel characteristics of the Applicant's invention. In addition and as discussed in Mr. Spindler's Declaration filed concurrently with this response, the claimed composition cleans better than bleaching products in a two-step cleaning/sanitizing process for food processing

environments. None of the prior art references cited consider the cleaning/sanitizing distinction. But it can be important. Typically, the prior art discusses cleaning and sanitizing interchangeably or concurrently. As discussed in the concurrent Declaration, in a food processing plant there is no possibility of combining cleaning and sanitizing. Per government regulations, cleaning and sanitizing must be performed as separate steps. This also makes sense, because as discussed in Mr. Spindler's Declaration, one cannot sanitize surfaces over soil or food particles. What Mr. Spindler found was that by using the claimed composition during the cleaning (not sanitizing) step, then followed by the sanitizing step, resulted in killing more microorganisms than using a chlorinated cleaner followed by the same sanitizing step. Nothing in the prior art teaches or suggests that this formulation will work better as a mechanical cleaner prior to a sanitizing step than bleach, but it does.

If upon consideration of the above the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact Applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. To the extent additional fees are required, please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-1010 (50460/83518) and please credit any excess fees to such deposit account.

Respectfully submitted,

/Gregory S. Cooper/
Gregory S. Cooper
Reg. No. 40,965
Direct Line (260) 425-4660